

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	N0. 3:03-cr-00190
)	Judge Sharp
LAMARR FLETCHER)	

ORDER


Defendant Lamarr Fletcher has filed a Motion to Reduce Sentence Pursuant to 18 U.S.C. § 3582(c) (Docket No. 685) and a Motion for Appointment of Counsel (Docket No. 686). Both Motions are DENIED WITHOUT PREJUDICE.

Defendant's request for a reduction in sentence is based upon United States Sentencing Commission Amendment 782 which revises the guidelines applicable to drug trafficking offenses. However, that Amendment was submitted to Congress on April 30, 2014, with an effective date of November 14, 2014, unless Congress modifies or rejects the proposed amendment. Further, under the proposed amendment, any reduced sentences cannot take effect until at least November 1, 2015. (See U.S.S.C., AMENDMENT TO THE SENTENCING GUIDELINES (PRELIMINARY), July 18, 2014 & U.S.S.C. MEMORANDUM, SUMMARY OF KEY DATA REGARDING RETROACTIVE APPLICATION OF THE 2014 DRUG GUIDELINES AMENDMENT, July 25, 2014)

While a court may conduct proceedings and enter orders before November 1, 2015, provided they are effective after that date, (*id.*), that provision must contemplate such proceedings and orders after November 1, 2014. Until then, Amendment 782 is not effective, and § 3582(c)'s requirement that a sentencing range has been lowered by the Sentencing Commission has not been met.

Accordingly, Defendant's Motions are premature, but may be re-filed if, and when, Amendment 782 becomes effective.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE